IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE MR. JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1075 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2004 in WPMP.No. 13170 of 2004 in WP.No. : 10379 of 2004 on the file of the High Court.)

Between:

Commissioner and Secretary Board of Intermediate Education,
Andhra Pradesh, Nampally, Hyderabad - 500 001.

..... APPELLANT

AND

B. Amitha, D/o. B. Rama Rao,Being Minor,
Rep. by Natural Guardian and father B. Rama Rao, S/o. Anjaiah,
R/o. Khammam, Khammam District.

.....RESPONDENT

Counsel for the Appellant: KUM.C.SINDHU KUMARI

Counsel for the Respondent : MR.M.SURENDER RAO

WRIT APPEAL NO : 1076 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2004 in WPMP. No. 12784 of 2004 in W.P. NO : 10064 OF 2004 on the file of the High Court.)

Between:

Board of Intermediate Education, Andhra Pradesh,

Nampally, Hyderabad - 500 001

..... APPELLANT

AND

Rahul Jand, S/o. Sandeep Jand, Being Minor,
Rep. by Natural Guardian and Father, Sandeep Jand,

R/o. Chandan Bada Street, Jeypore, Orissa State.

.....RESPONDENT

Counsel for the Appellant : KUM.C.SINDHU KUMARI

Counsel for the Respondent : MR.B.ADINARAYANA RAO

WRIT APPEAL NO : 1077 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2007 in WPMP.No.13160 of 2004 in W.P. NO. 10369 OF 2004 on the file of the High Court.)

Between:

Commissioner and Secretary, Board of Intermediate Education,
Andhra Pradesh, Nampally, Hyderabad - 500 001.

..... APPELLANT

AND

G. Sindhura, D/o. G. Muralidhar Being Minor,
Rep. by Natural Guardian and Father

G. Muralidhar, S/o. G.V. Subba Rao,
R/o. Visakhapagtnam, Visakhapatnam District.

.....RESPONDENT

Counsel for the Appellant : KUM.C.SINDHU KUMARI

Counsel for the Respondent : MR.M.SURENDER RAO

WRIT APPEAL NO : 1078 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2004 in WPMP.No. 12346 of j2004 in WP. NO 9684 OF 2004 on the file of the High Court.)

Between:

Commissioner and Secretary Board of Intermediate Education,
Andhra Pradesh, Nampally, Hyderabad - 500 001.

..... APPELLANT

AND

B. Rashmi, D/o. B. Ram Narayana, Being Minor,
Rep. by Natural Guardian and Mother Smt. B. Padma, W/o. B. Ram Narayana, R/o. Flat No. 501,
Sai Sadan Apartment, Balkampet Road,

S.R. Nagar, Hyderabad-38

.....RESPONDENT

Counsel for the Appellant: KUM.C.SINDHU KUMARI

Counsel for the Respondent : MR.V.HARI HARAN

WRIT APPEAL NO : 1084 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2004 in WPMP. No. 13280 of 2004 in WP.No.10466 of 2004 on the file of the High Court.)

Between:

Board of Intermediate Education, Andhra Pradesh, Nampally, Hyderabad - 500 001.

..... APPELLANT

AND

Polam Krishna Priya, D/o. P. Anil Reddy, Being Minor,
Rep. by Natural Guardian and Father, P. Anil Reddy, R/o. Pangapahad Village,
Hasanparthy Revenue Mandal,
Warangal District.

.....RESPONDENT

Counsel for the Appellant : KUM.C.SINDHU KUMARI

Counsel for the Respondent : MR.B.NARAYANA REDDY

The Court made the following :

ORAL JUDGMENT:

(Per Hon'ble The Chief Justice)

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1. Respondents are the writ petitioners. They filed writ petitions challenging the policy of the respondents not to evaluate answer sheets and to evaluate only such answers which were not allotted marks or awarded zero marks. Along with writ petitions, applications were filed for interim relief. Instead of deciding the writ petitions itself, learned single Judge, by the order impugned in these appeals, decided only applications for interim relief with direction to respondents to undertake revaluation of the answer scripts.

2. As a matter of fact, the relief that has been granted to the writ petitioners by the order impugned in the appeals virtually decides the writ petitions. Nothing

remains to be decided thereafter since respondents would not be interested thereafter even to prosecute their writ petitions in case order impugned is implemented. Such a course could not have been adopted by learned single Judge. Consequently, we allow the appeals and set aside the order impugned with direction that writ petitions itself be taken up for consideration by the learned single Judge hearing such matters. No costs.

3. Learned counsel for the appellants states that on the legal aspect, counter affidavit has been filed in one case, but counter affidavit has not been filed on the factual aspects. Since it may vary in each and individual case, it may not be necessary at this stage when writ petitions are still at the admission stage to file affidavit in reply on factual aspects. We are of the view that when writ petitions raise a fundamental question that there is no provision for the entire blanket revaluation and policy of the appellants is under challenge, it may not be necessary for the learned single Judge to go into factual aspects but to decide only the legal aspects involved in the writ petitions. Therefore, learned single Judge will proceed to hear and dispose of the writ petitions at the admission stage on legal aspects. Writ petitions be posted before the learned single Judge for admission on 21.07.2004.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 19.07.2004.

VRK.

Note:

Office to place a copy of this

Judgment in each file after

Signature of the Hon'ble Judges.

To

1. The Commissioner and Secretary, Board of Intermediate Education, Andhra Pradesh, Nampally,

Hyderabad - 500 001.

2. Board of Intermediate Education, Andhra Pradesh, Nampally, Hyderabad - 500 001.

3. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.Nos. 1075, 1076, 1077, 1078 & 1084 of 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 19.07.2004.

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